

Notice of Allowability

Application No.

09/763,338

Examiner

Thuong (Tina) T. Nguyen

Applicant(s)

SIM ET AL.

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/15/07.
2. ☒ The allowed claim(s) is/are 1-2, 4-6, 10-11, 13-19, 26-31, 33-35, 50-52.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 10/15/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


PHILIP TRAN
PRIMARY EXAMINER

REASONS FOR ALLOWANCE

1. Claims 1-2, 4-6, 10-11, 13-19, 26-31, 33-35, 50-52 are allowed.
2. Claims 3, 7-9, 12, 20-25, 32, 36-49 are canceled.
3. The following is an examiner's statement of reasons for allowance:

In interpreting the claims, in light of the specification and the applicant's arguments filed on 10/15/07, the Examiner finds the claimed invention to be patentably distinct from the prior art of record.

4. Lu et al. (US 2003/0110485 A1), teach interactive service device metering systems wherein obtaining data source of monitored resources which being linked to said communication networks and forming a first group of monitored users as a sample group so as to record and measure interactions of users in the sample group (abstract; page 3, paragraph 41-43 and page 8, paragraph 87).

5. Malik et al. (US 6,842,782 B1), teach method and apparatus for tracking functional states of a website and reporting results to web developer, wherein processing the data source further is in relation to the interactions of the users in the sample group (abstract; col 24, lines 48 – col 25, lines 25; col 26, lines 28-34 & lines 63 – col 27, lines 28).

6. The following is an examiner's statement of reasons for allowance.

The examiner has found that the prior art of record does not appear to teach or suggest or render obvious the claimed limitations in combination with the specific added limitations as recited in independent claims 1, 17 & 18 and subsequent dependent claims. The prior art of record fails to teach or suggest individually or in combination

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that processing the data source and further data source, wherein the processing of data source is in relation to the interactions of the user in the sample group wherein the further data source is based on interactions in relation to one or more unmonitored resources; and calibrating an error rate and applying the error rate to the further data source so as to determined an estimate of equivalent interactions of total users with respect to the one or more unmonitored resources; and calculating a weighting factor based on a number of users in said sample group and a total number of users expected to have access to one or more resources as set forth in independent claims 1, 17 & 18. Claims 1-2, 4-6, 10-11, 13-19, 26-31, 33-35, 50-52 are allowed because of the combination of other limitations and the limitation listed above.

The examiner finds the Applicant's argument on pages *page number* of the Remarks filed on 5/21/07 to be persuasive. The applicant argued in substance that the combination of prior art of records fail to disclose the features of the invention Malik failed to disclose calibration of a value based on multiple data sources (see Remark, page 14 and see Specification, page 12, lines with reference to figure 4b).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuong (Tina) Nguyen whose telephone number is 571-272-3864, and the fax number is 571-273-3864. The examiner can normally be reached on 8:00 AM-5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thuong (Tina) Nguyen
Patent Examiner/Art Unit 2155


PHILIP TRAN
PRIMARY EXAMINER